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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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FEDERAL INSURANCE COMPANY, an Indiana corporation,) Case No: C 05-01878 JW
vs.)
Plaintiff,) STIPULATION AND [PROPOSED] ORDER EXTENDING CERTAIN
vs.) SCHEDULED DATES
ST. PAUL FIRE & MARINE INSURANCE COMPANY, a Minnesota corporation,)
Defendant.)
AND RELATED COUNTERCLAIM.)

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1 Pursuant to Civil Local Rules 6-2 and 7-12, the Parties submit the following Stipulation
2 and [Proposed] Order Extending Certain Scheduled Dates:

3 **WHEREAS,**

4 1. This action was filed by Federal Insurance Company (“Federal”) against St. Paul
5 Fire and Marine Insurance Company (“St. Paul”) on May 6, 2005. On June 24, 2005, St. Paul
6 filed a counterclaim against Federal and National Union Fire Insurance Company of Pittsburgh,
7 PA, (“National Union”).

8 2. Extraordinary circumstances have arisen prompting Marc Shrake, counsel for St.
9 Paul, to request that scheduling in this case be extended by approximately 60 days.

10 3. On May 1, 2007, Mr. Shrake’s firm, Zelle, Hofmann, Voelbel, Mason & Gette
11 LLP, announced the closure of its Los Angeles office, where Mr. Shrake is located.

12 4. Mr. Shrake discussed this development with counsel for Federal and counsel for
13 National Union, who have agreed to stipulate to an extension of dates in this case by
14 approximately 60 days in order to allow Mr. Shrake and St. Paul to sort out the issues arising
15 from the Zelle Hofmann office closure. The new stipulated dates are set forth below.

16 5. A Scheduling Order was issued on July 12, 2006, essentially adopting the
17 schedule in the parties’ Joint Case Management Statement and Proposed Order. A copy of this
18 Scheduling Order is attached as Exhibit A.

19 6. A Stipulation and Order Extending Certain Trial Dates was issued on February
20 27, 2007, due to the time necessary to analyze voluminous discovery including a database
21 produced by Cirrus Logic exceeding 500 Giga Bytes and to locate and arrange for the
22 depositions of certain witnesses no longer employed by any party. A copy of this Stipulation
23 and Order is attached as Exhibit B.

24 7. The Parties have, to date, completed five depositions, and they are in the process
25 of selecting a mediator.

1 **NOW, THEREFORE,**

2 **IT IS HEREBY STIPULATED** that the following scheduled dates, which have not yet
3 passed, should be extended and rescheduled by approximately 60 days, or as soon thereafter as
4 permitted by the Court, as follows:

- 5 • The last day to have a private mediation shall be **July 25, 2007** (formerly May 23,
6 2007).
- 7 • Close of Discovery shall be **October 24, 2007** (formerly August 24, 2007).
- 8 • Last Date for Hearing Dispositive Motions shall be January 7 2008 (formerly
9 October 22, 2007).
- 10 • Preliminary Pretrial Conference Statements shall be due **January 23, 2008**
11 (formerly November 23, 2007).
- 12 • The Preliminary Pretrial Conference and Trial Setting Conference shall be
13 scheduled for Monday, **February 4, 2008** (formerly December 3, 2007).
- 14 • All associated dates set forth in the Scheduling Order, which have not yet passed,
15 including expert witness disclosures, expert witness reports, expert witness
16 objections, and rebuttal expert witness disclosures, are also extended and
17 rescheduled by 60 days.

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19 **IT IS SO STIPULATED.**

20 Dated: May 10, 2007

21 NEWTON REMMEL

22 By: _____

23 Stephen L. Newton
24 Gabriel G. Gregg
25 Attorneys for Plaintiff and Counterclaim
26 Defendant
27 FEDERAL INSURANCE COMPANY

1 Dated: May 10, 2007

ZELLE, HOFMANN, VOELBEL, MASON &
GETTE LLP

3 By: Marc J. Shrake/jx
4 Marc J. Shrake
5 Attorneys for Defendant and
6 Counterclaimant
7 ST. PAUL FIRE AND MARINE
8 INSURANCE COMPANY

9 Dated: May 11, 2007

BARGER & WOLEN LLP

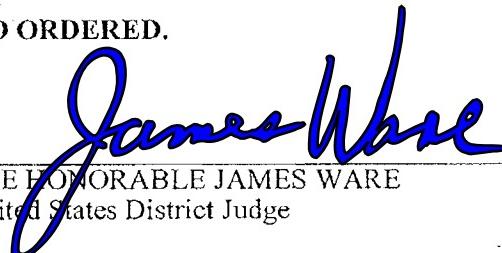
10 By: Thomas R. Beer
11 Thomas Beer
12 Attorneys for Counterclaim Defendant
13 NATIONAL UNION FIRE INSURANCE
14 COMPANY OF PITTSBURGH, PA

ORDER

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: May 14, 2007

17 THE HONORABLE JAMES WARE
18 United States District Judge



29 STIPULATION AND [PROPOSED] ORDER EXTENDING CERTAIN SCHEDULED DATES